

CHAPTER NO. 1043

HOUSE BILL NO. 3187

By Representative Givens

Substituted for: Senate Bill No. 3260

By Senator Haun

AN ACT to amend Tennessee Code Annotated, Title 5, Chapter 1, Part 1; Title 6, Chapter 54, Part 1 and Title 12, Chapter 2, relative to disposal of certain property at public auction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 12-2-208, is amended by deleting the section in its entirety and substituting instead the following language:

(a)(1) Except as provided in subsection (b), it is hereby declared unlawful for any state, city, or county officer, employee or such officer's or employee's agent to buy or offer to buy any of the property to be sold hereunder except by bid at public auction during the tenure of such person's office or employment, or for six (6) months thereafter.

(2) Any such person violating or attempting to violate the provisions of this subsection or subsection (b) shall be dismissed and discharged from such person's respective job or position, and shall forfeit any pay or compensation which might be due such person. In addition thereto, any such sale is hereby expressly declared null and void, and such person shall, in addition, forfeit all right and title in the property.

(3) A violation of this section is a Class C misdemeanor.

(b) Notwithstanding the provisions of subsection (a)(1), it is declared unlawful for any state, city or county officer, employee or such officer's or employee's agent directly or indirectly involved in the confiscation of such property to buy or offer to buy any of the property to be sold hereunder. It is further declared unlawful for officers and employees designated by the Department of General Services, in accordance with applicable regulations of the board, to buy or offer to buy any of the property to be sold hereunder.

SECTION 2. Tennessee Code Annotated, Title 5, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) It is hereby declared unlawful for any county official or employee to purchase from the county any property declared to be surplus by the county except by bid at public auction during the tenure of such person's office or employment, or for six (6) months thereafter.

(b) A purchaser who violates the provisions of this section commits a Class A misdemeanor.

SECTION 3. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) It is hereby declared unlawful for any municipal official or employee to purchase from the municipality any property declared to be surplus by the municipality except by bid at public auction during the tenure of such person's office or employment, or for six (6) months thereafter.

(b) A purchaser who violates the provisions of this section commits a Class A misdemeanor.


SECTION 4. This act shall take effect July 1, 1998, the public welfare requiring it.

PASSED: April 29, 1998


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 18th day of May 1998


DON LINDQUIST, GOVERNOR